

REMARKS

After entry of this Amendment, claims 1 - 20 are pending in the application. Claims 1, 12 and 20 have been amended. Consideration of the application as amended is requested.

In the Office Action dated, January 7, 2005, claims 1 and 12-14 stand rejected under 35 U.S.C. § 102 as being anticipated by Sanada et al., U.S. Pat. No. 102(b). Claims 1 and 12 have been amended to recite that the first and second configurations are differently shaped from one another. The difference in the shape of the first and second configurations are best shown when comparing Figures 3 and 5, in particular, the structure surrounding the troughs 68 and 72. It is submitted that Sanada et al. does not teach or suggest a pair of first plates having a first configuration and a pair of second plates having a second configuration, stacked together, wherein said first and second configurations are differently shaped from one another. For example, none of the plates of Sanada et al, either 50 or 52, are stacked with a similarly configured plate. Instead, plates 50 and 52 are alternatingly stacked together. It is therefore respectfully submitted that claims 1 and 12-14 are in suitable condition for allowance. Reconsideration and withdrawal of the Examiner's rejection is requested.

Claims 2-10 and 15-20 stand rejected under 35 U.S.C. § 103 as being obvious over Sanada et al., in view of Nakamura et al., U.S. Pat. No. 6,241,011. As set forth above, Sanada et al. does not teach or suggest a pair of first plates having a first configuration and a pair of second plates having a second configuration, stacked together, wherein said first and second configurations are differently shaped from one another. It is submitted that Nakamura et al. does not overcome this deficiency. In particular, the layered evaporator 1 of Nakamura et al. includes a plurality of a single plate 2 stacked in an alternating pattern. It is therefore respectfully submitted that claims 2-10 and 15-20 are in suitable condition for allowance. Reconsideration and withdrawal of the Examiner's rejection is requested.

**Respectfully submitted,
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CERTIFICATE OF MAILING



I hereby certify that this **Amendment** for U.S. Serial No.: 10/752,976 filed January 1, 2004 is being deposited with the United States Postal Service via Express Mail Label No. EV308126328US addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 3, 2005.

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